FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 902 OF 2005.
IN
CRIMINAL APPEAL NO. 135 OF 2005.

Prakash Yashwant Rane. .. Applicant.
vs.
The State of Maharashtra & anr... Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri D.S. Manorkar for the applicant.
Shri D.P. Adsule, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 22-2-2005.

P.C.:

1. Heard learned Counsel appearing for the applicant and the learned A.P.P. for the State.

2. Applicant is convicted by the trial Court for having committed an offence punishable under section 367 and 325 of the Indian Penal Code and is sentenced to suffer R.I. for 5 years and to pay a fine of Rs.15,000/-on each count. The prosecution case is that Padmakar who was admittedly a lunatic, was allegedly assaulted by the applicant. It has come in evidence that the accused had informed the other witnesses that Padmakar was lying in an injured condition and that unless he is taken to the hospital

immediately he would succumb to his injuries and die. However, parents of Padmakar did not respond and, therefore, applicant informed other witnesses and, thereafter, the accused and others took Padmakar to the hospital. The trial Court recorded evidence of Padmakar for the purpose of coming to the conclusion that the applicant had assaulted him. It has come in evidence that Padmakar was suffering from mental ailment for quite some time and he used to roam about in the neighbouring area without clothes and used to harass the residents there. In my view, this is a fit case to grant bail as prima facie case is made out by the applicant.

3. Accordingly, the applicant be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. There shall also be a stay to the payment of fine imposed by the trial Court.